

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|-------------------------------------|--|--|---|---------------------------------|
| Investigator: Tessa Yesselman | Team: Squad #3 | CCRB Case #: 201801994 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 05/09/2017 11:25 PM | Location of Incident: [REDACTED] | Precinct: 70 | 18 Mo. SOL 11/9/2018 | EO SOL 11/9/2018 | |
| Date/Time CV Reported Fri, 03/09/2018 10:56 PM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Fri, 03/09/2018 10:56 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |

| Witness(es) | Home Address |
|-------------|--------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. An officer | | | |
| 2. POM Alvaro Contreras | 12311 | 941586 | PBBS SU |
| 3. POM Jason Barish | 30344 | 950047 | PBBS SU |
| 4. Officers | | | |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. POF Melike Turk | 18525 | 955604 | BK SVS |
| 2. SGT Andrew Ehlers | 04435 | 941701 | TB VTF |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|---|-----------------------------|
| A.POM Jason Barish | Abuse: In front of § 87(2)(b) in Brooklyn, Police Officer Jason Barish refused to provide his name and shield number to § 87(2)(b) | [REDACTED] |
| B.POM Alvaro Contreras | Force: In front of § 87(2)(b) in Brooklyn, Police Officer Alvaro Contreras used a chokehold against § 87(2)(b) | [REDACTED] |
| C.POM Jason Barish | Force: In front of § 87(2)(b) in Brooklyn, Police Officer Jason Barish used a chokehold against § 87(2)(b) | [REDACTED] |
| D.POM Jason Barish | Force: In front of § 87(2)(b) in Brooklyn, Police Officer Jason Barish pushed § 87(2)(b) | [REDACTED] |
| E.POM Alvaro Contreras | Force: In front of § 87(2)(b) in Brooklyn, Police In front of § 87(2)(b) in Brooklyn, Police Officer Alvaro Contreras pushed § 87(2)(b) | [REDACTED] |
| F. Officers | Force: In front of § 87(2)(b) in Brooklyn, officers pushed § 87(2)(b) | [REDACTED] |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|---|-----------------------------|
| G. An officer | Discourtesy: In front of § 87(2)(b) in Brooklyn, an officer spoke discourteously to § 87(2)(b) | |
| H.POM Alvaro Contreras | Abuse: In front of § 87(2)(b) in Brooklyn, Police In front of § 87(2)(b) in Brooklyn, Officer Alvaro Contreras did not obtain medical treatment for § 87(2)(b) | |
| I.POM Alvaro Contreras | Force: In front of § 87(2)(b) in Brooklyn, Police Officer Alvaro Contreras tightly handcuffed § 87(2)(b) | |
| J. An officer | Force: En route to the 70th Precinct stationhouse, an officer pointed her gun at § 87(2)(b) | |
| K.POM Alvaro Contreras | Force: En route to the 70th Precinct Stationhouse, Police Officer Alvaro Contreras drove recklessly while § 87(2)(b) was unseatbelted passenger in the vehicle. | |
| L.POM Alvaro Contreras | Abuse: At the 70th Precinct stationhouse, Police Officer Alvaro Contreras strip-searched § 87(2)(b) | |
| M.POM Alvaro Contreras | Abuse: At the 70th Precinct Stationhouse in Brooklyn, Police Officer Alvaro Contreras did not obtain medical treatment for § 87(2)(b) | |

Case Summary

On March 9, 2018, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On May 9, 2017, at approximately 11:25 PM, § 87(2)(b) was double parked in his vehicle, in front of § 87(2)(b) in Brooklyn. § 87(2)(b) was seated in the front driver's seat. His friend § 87(2)(b) was seated in the front passenger seat, and his friend § 87(2)(b) was in the rear passenger seat. Police Officer Jason Barish and Police Officer Alvaro Contreras, both of Brooklyn South Auto Larceny, stopped § 87(2)(b)'s vehicle. PO Barish allegedly refused to provide his name and shield number to § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). PO Contreras allegedly used a chokehold against § 87(2)(b) while taking § 87(2)(b) out of his vehicle (**Allegation B: Force, § 87(2)(g)**). PO Barish then allegedly used a chokehold against § 87(2)(b) (**Allegation C: Force, § 87(2)(g)**). PO Barish and PO Contreras pushed § 87(2)(b) against a parked vehicle while handcuffing him (**Allegation D: Force, § 87(2)(g)**; **Allegation E, Force: § 87(2)(g)**). Officers pushed § 87(2)(b) § 87(2)(b)'s sister, into a parked vehicle, and an officer allegedly told § 87(2)(b) to put her "fucking" hands behind her back (**Allegation F: Force, § 87(2)(g)**; **Allegation G: Discourtesy, § 87(2)(g)**). While waiting in the transport vehicle to leave the location, PO Contreras allegedly refused to provide medical attention to § 87(2)(b) and allegedly tightened § 87(2)(b)'s handcuffs when § 87(2)(b) asked PO Contreras to loosen them (**Allegation H: Abuse of Authority, § 87(2)(g)**; **Allegation I: Force, § 87(2)(g)**). While in transport to the 70th Precinct stationhouse, an officer allegedly held her firearm to § 87(2)(b)'s head (**Allegation J: Force, § 87(2)(g)**), and PO Contreras allegedly drove recklessly while § 87(2)(b) was not wearing a seatbelt (**Allegation K, § 87(2)(g)**). Outside of the stationhouse, PO Contreras allegedly strip searched § 87(2)(b) (**Allegation L, Abuse of Authority: § 87(2)(g)**), and refused to provide medical attention for § 87(2)(b) (**Allegation M, Abuse of Authority: § 87(2)(g)**).

§ 87(2)(b) was arrested as a result of this incident, and § 87(2)(b) (21 Board Review).

The investigation obtained security camera footage and cell phone video footage of this incident. See the allegations below for corresponding footage.

Findings and Recommendations

Allegation (A) Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Police Officer Jason Barish refused to provide § 87(2)(b) with his name and shield number. § 87(2)(b) (01 Board Review) stated that he asked PO Barish for his name and shield number because the 911 operator requested it. PO Barish asked § 87(2)(b) "What do you want to know my badge number for?" PO Barish did not provide § 87(2)(b) with his name or shield number at any point during the incident.

§ 87(2)(b) (08 Board Review) stated that § 87(2)(b) asked PO Barish for his name and shield number, and PO Barish told § 87(2)(b) that he needed to provide his identification before PO Barish shared his.

§ 87(2)(b) (03 Board Review) provided a telephone statement, but was not cooperative with the investigation. § 87(2)(b) did not allege that PO Barish refused to provide his name or shield number to § 87(2)(b).

PO Barish (10 Board Review) stated that § 87(2)(b) never asked him for his name or shield number. PO Barish did not otherwise refuse to provide his name or shield number to § 87(2)(b).

PO Contreras (09 Board Review) did not hear § 87(2)(b) ask PO Barish for his name or shield number. PO Barish did not otherwise refuse to provide his name or shield number to § 87(2)(b).

§ 87(2)(g)

Allegation (B) Force: In front of § 87(2)(b) in Brooklyn, Police Officer Alvaro Contreras used a chokehold against § 87(2)(b)

§ 87(2)(b) (01 Board Review) stated that he stopped in front of § 87(2)(b) in his vehicle. § 87(2)(b) was seated in the driver's seat of his vehicle. § 87(2)(b) was seated in the front passenger seat, and § 87(2)(b) was seated in the rear passenger seat, behind § 87(2)(b). § 87(2)(b) stopped in front of § 87(2)(b) his residence, so that § 87(2)(b) could exit the vehicle. § 87(2)(b) was unable to open the passenger door because PO Barish and PO Contreras had pulled up in an unmarked Impala, and were directly next to § 87(2)(b)'s vehicle. PO Barish was seated in the driver's seat, and shone a flashlight at § 87(2)(b). PO Barish asked § 87(2)(b) if they could talk, and § 87(2)(b) replied that he would not speak to PO Barish. PO Barish asked to see § 87(2)(b)'s license, and § 87(2)(b) refused. PO Barish then exited his vehicle. When PO Barish exited his vehicle, § 87(2)(b) took out his phone and called 911, because he felt uncomfortable. PO Barish asked § 87(2)(b) for his license again. § 87(2)(b) looked through his vehicle, but could not find his license. § 87(2)(b) showed PO Barish a photocopy of his license, as well as a photo of his license on his cell phone. PO Barish told § 87(2)(b) that he needed to see the physical version of § 87(2)(b)'s license and that a photocopy was not good enough.

§ 87(2)(b) observed a neighbor of his walking by. He did not know the neighbor's name. § 87(2)(b) had been talking to PO Barish for approximately fifteen minutes at this point about providing his license and why he had been stopped. § 87(2)(b) asked his neighbor to go upstairs and alert his brother, mother, and sister, § 87(2)(b) and § 87(2)(b) respectively) so that they could bring his license downstairs, and the neighbor agreed to go upstairs and alert them. § 87(2)(b) then began to repeatedly rev his car engine and sound the car horn, because he thought that PO Barish was getting "jumpy," because he appeared red in the face and looking all around the area. A large number of people came outside as a result of § 87(2)(b).

§ 87(2)(b) revving his engine and sounding his horn. § 87(2)(b) and § 87(2)(b) § 87(2)(b)'s girlfriend) came downstairs, but did not bring § 87(2)(b)'s license. § 87(2)(b) asked PO Barish why he was "harassing" § 87(2)(b) and PO Barish responded that § 87(2)(b) was under arrest. PO Barish then called for backup. § 87(2)(b) was still on the phone with 911, and also requested that additional units come. PO Contreras struck § 87(2)(b)'s vehicle window with his fist. In response, § 87(2)(b) stated, "Motherfucker did you lose your motherfucking mind? Are you stupid? Or are you just dumb?" PO Barish then told § 87(2)(b) again that he was under arrest, because § 87(2)(b) did not have identification. § 87(2)(b) told PO Barish that he had shown him a variety of documents, so that was not a reason to arrest him. PO Barish reached inside of § 87(2)(b)'s vehicle and lifted up the latch on the lock, and rolled the window down further. § 87(2)(b) and PO Barish went back and forth, with PO Barish trying to pull the door open, and § 87(2)(b) pulling it shut. PO Barish told § 87(2)(b) to get off the phone, and reached inside of the vehicle, and struck § 87(2)(b)'s left cheek with a fist. § 87(2)(b) did not feel any pain as a result of this hit, and did not sustain any injury. § 87(2)(b) did not think that PO Barish intentionally hit him, or he would have hit PO Barish with his car door. PO Barish continued to reach for § 87(2)(b)'s phone, and § 87(2)(b) told the 911 operator that PO Barish was trying to take his phone away. § 87(2)(b) handed his phone to § 87(2)(b) who continued speaking with the 911 operator.

§ 87(2)(b) stated that PO Barish tried to pull § 87(2)(b) through his vehicle window, but § 87(2)(b) did not fit. § 87(2)(b) told PO Barish that he would exit his vehicle voluntarily. § 87(2)(b) put his hands in the. PO Barish opened the door and tried to pull § 87(2)(b) out of his seat. § 87(2)(b) was still wearing a seatbelt, so § 87(2)(b) unbuckled him. PO Barish then grabbed § 87(2)(b)'s left arm, and pulled him out of the vehicle. § 87(2)(b) thought that PO Barish did not realize how large a person he was, because PO Barish stumbled and lost his grip on § 87(2)(b) because of § 87(2)(b)'s weight. As PO Barish stumbled, he cut his hand on the side of § 87(2)(b)'s vehicle door. When PO Barish stumbled, PO Contreras reached out and grabbed the front collar of § 87(2)(b)'s hoodie with closed fists, so that the rear of his knuckles were at either side of § 87(2)(b)'s neck, surrounding his throat. PO Contreras pulled § 87(2)(b) § 87(2)(b) stumbled as a result of being pulled out of his vehicle, and as he stumbled, PO Contreras lost his grip. PO Contreras tried to re-establish his grip and also stumbled, and made contact with § 87(2)(b)'s neck for approximately one second. PO Contreras did not push against § 87(2)(b)'s neck, and § 87(2)(b)'s breathing was not restricted as a result of the way PO Contreras handled him. § 87(2)(b)'s family members immediately "bum rushed" PO Contreras, and PO Contreras took his hands off of § 87(2)(b).

§ 87(2)(b) is the only civilian to allege that PO Contreras made contact with his neck or throat. § 87(2)(b) (04 Board Review), § 87(2)(b) (02 Board Review), § 87(2)(b) (08 Board Review), and § 87(2)(b) (07 Board Review) all did not allege that PO Contreras made contact with § 87(2)(b)'s neck in their sworn statements. In § 87(2)(b)'s telephone statement to the CCRB (03 Board Review), he did not allege that PO Contreras made contact with § 87(2)(b)'s neck or throat.

PO Contreras (**09 Board Review**) stated that he and PO Barish were on patrol and observed § 87(2)(b) double parked and idling in front of § 87(2)(b). PO Barish was the driver of the vehicle, and circled the block to stop § 87(2)(b)'s vehicle. PO Barish stopped in front of § 87(2)(b)'s vehicle. PO Barish approached the driver's side of the vehicle, and PO Contreras approached the passenger side. PO Barish repeatedly asked the driver of the vehicle, § 87(2)(b), for his license and registration, and § 87(2)(b) repeatedly refused to provide the materials. After approximately five minutes of PO Barish asking § 87(2)(b) for his license and registration and § 87(2)(b) refusing, PO Contreras walked to the driver's side of § 87(2)(b)'s vehicle, and stood behind PO Barish. § 87(2)(b) began revving his engine and blowing his horn. PO Contreras thought that § 87(2)(b) was doing this to get people to stop and come outside. PO Barish then instructed § 87(2)(b) to exit the vehicle, and § 87(2)(b) stated that he would not exit the vehicle. PO Barish and § 87(2)(b) then began struggling with § 87(2)(b)'s driver's door. § 87(2)(b) pulled the door shut on PO Barish's hand, injuring PO Barish's hand and thumb. Members of § 87(2)(b)'s family came downstairs, and were attempting to push PO Barish away from § 87(2)(b)'s driver's door. PO Contreras turned so that his back was to PO Barish, so that he could do crowd control, and keep the members of § 87(2)(b)'s family from interfering with PO Barish and § 87(2)(b). While PO Contreras' back was turned, § 87(2)(b) exited his vehicle. PO Contreras did not know how § 87(2)(b) came to be out of his vehicle, because he was facing the other way. After § 87(2)(b) was out of his vehicle, all of the civilian people ran towards § 87(2)(b) and PO Barish. PO Contreras did not see PO Barish make any contact with § 87(2)(b)'s neck or throat. PO Contreras did not physically assist in taking § 87(2)(b) out of his vehicle.

PO Barish (**10 Board Review**) provided a statement consistent with PO Contreras'. PO Barish stated that he was the sole officer to remove § 87(2)(b) from his vehicle. PO Contreras did not make contact with § 87(2)(b)'s neck or throat during the incident.

Video (**28 Board Review**), labeled below as Video 1, shows that PO Barish is the only officer to make physical contact with § 87(2)(b) as § 87(2)(b) is removed from his vehicle. At 1:24, PO Barish is pictured reaching inside of § 87(2)(b)'s vehicle. PO Contreras is pictured standing to the right of PO Barish, with his back to PO Barish. PO Barish removes § 87(2)(b) from his vehicle between 1:24 and 1:27. PO Contreras does not make physical contact with § 87(2)(b) during this period.



Video 1.mp4

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (C) Force: In front of § 87(2)(b) in Brooklyn, Police Officer Jason Barish used a chokehold against § 87(2)(b)

PO Barish was alleged to have used a chokehold against § 87(2)(b) at two points during this incident. The first instance occurred immediately after § 87(2)(b) was removed from his vehicle, and the second occurred across the street from § 87(2)(b)'s vehicle, as PO Barish and PO Contreras attempted to handcuff him.

§ 87(2)(b) **(01 Board Review)** did not allege that PO Barish used a chokehold against him at any point during the incident. § 87(2)(b) stated that once he was out of his vehicle, PO Barish and PO Contreras “dragged,” him across the street. Later in his interview, § 87(2)(b) stated that he was not dragged, and stated that it was more as if they “stumbled” across the street together. Once § 87(2)(b) and PO Barish and PO Contreras were on the other side of the street, both officers slammed him against the hood of a parked vehicle, and he was then easily handcuffed. § 87(2)(b) did not allege that any officer made contact with his neck or throat at this time.

§ 87(2)(b) **(07 Board Review)** stated that he was going to bed inside of § 87(2)(b) when a neighbor knocked on his door and stated that § 87(2)(b) was downstairs being “harassed” by police officers. § 87(2)(b) woke up his mother, § 87(2)(b) and they looked out of the window and saw § 87(2)(b) seated in the front driver’s seat of his vehicle, talking to PO Barish and PO Contreras. PO Contreras was standing behind PO Barish. § 87(2)(b) called down to § 87(2)(b) and asked him if everything was okay. PO Contreras responded that everything was fine, but that the officers needed to see § 87(2)(b)'s identification. § 87(2)(b) told § 87(2)(b) to look in his drawer. § 87(2)(b) looked in § 87(2)(b)'s drawer, but did not see his identification. § 87(2)(b) then went downstairs to check on § 87(2)(b) and thought that § 87(2)(b) and § 87(2)(b) walked outside with him. PO Barish and PO Contreras appeared to be calm. § 87(2)(b) appeared to be upset, because his eyes were wide and he was on the phone with 911, saying that he wanted other officers to come to the location to assure that he would not be shot. § 87(2)(b) went back upstairs, to resume searching for § 87(2)(b)'s identification. § 87(2)(b) could not find § 87(2)(b)'s identification, so he went back outside. When he returned outside, PO Barish was “dragging” § 87(2)(b) out of his vehicle. § 87(2)(b) was saying, “I can get out of the vehicle by myself” as PO Barish “dragged” him, and § 87(2)(b) was grabbing PO Barish’s hands, trying to prevent him from pulling him. § 87(2)(b) tried to close the front driver’s door to his vehicle, to prevent PO Barish from pulling him out. § 87(2)(b) did not see § 87(2)(b) close the door on PO Barish, but then observed PO Barish was bleeding, and thought that the injury may have come from the struggle with the door. § 87(2)(b) then began revving his car engine, to attract the attention of passersby. PO Barish then pulled § 87(2)(b) out of his vehicle by his shirt, in the area of his shoulders and neck. After PO Barish pulled § 87(2)(b) from his vehicle, he pushed § 87(2)(b) back against the vehicle, pushing his hands in to § 87(2)(b). § 87(2)(b) did not know where exactly PO Barish was making contact with § 87(2)(b) but thought that it was his neck, because § 87(2)(b) appeared “stiff.” PO Barish held § 87(2)(b) against his vehicle for approximately five seconds. § 87(2)(b) began yelling, “Help,” and tried to pull PO Barish’s hands off of him.

§ 87(2)(b) stated that PO Barish and PO Contreras then “wrestled” with § 87(2)(b) as he crossed the street. § 87(2)(b) ran after PO Barish and PO Contreras and tried to get him off of § 87(2)(b) by pulling on PO Barish’s hand and shoulder. § 87(2)(b) did not allege that PO Barish choked § 87(2)(b) at this point.

§ 87(2)(b) **(05 Board Review)** provided a telephone statement, but was uncooperative with the investigation. § 87(2)(b) stated that she did not remember much of what happened during the incident or any details, because it had happened so long ago. § 87(2)(b) stated that she was asleep inside of § 87(2)(b) and was awoken by her boyfriend, § 87(2)(b) telling her to come outside. When § 87(2)(b) got outside, she saw § 87(2)(b) double parked, arguing with PO Barish. § 87(2)(b) told PO Barish that he would not exit his vehicle until he found his identification. PO Barish pulled § 87(2)(b) out of his vehicle by putting him in a headlock. Once § 87(2)(b) was out of his vehicle, he said that he could not breathe. § 87(2)(b) did not allege that PO Barish choked § 87(2)(b) an additional time, when § 87(2)(b) was arrested by PO Barish and PO Contreras across the street.

§ 87(2)(b) **(03 Board Review)** provided a telephone statement, but was uncooperative with the investigation. § 87(2)(b) stated that he was in the rear passenger seat of § 87(2)(b)’s vehicle. PO Barish and PO Contreras approached § 87(2)(b)’s vehicle. Neither officer ever asked § 87(2)(b) for his identification. § 87(2)(b) came downstairs and began speaking with the officers. PO Barish pulled § 87(2)(b) out of his vehicle and choked him. § 87(2)(b) tried to intervene, and PO Barish punched her in the face. § 87(2)(b) observed these things happen from the rear passenger seat of § 87(2)(b)’s vehicle. § 87(2)(b) did not allege that PO Barish choked § 87(2)(b) an additional time, when § 87(2)(b) was arrested by PO Barish and PO Contreras across the street.

§ 87(2)(b) **(08 Board Review)** stated that he was seated in the front passenger seat of § 87(2)(b)’s vehicle, and that § 87(2)(b) was seated directly next to him, in the front driver’s seat. § 87(2)(b) was seated in a rear passenger seat. § 87(2)(b) was double parked, because § 87(2)(b) and § 87(2)(b) were about to part ways, and were saying goodbye to each other. PO Barish approached the front driver’s window of § 87(2)(b)’s vehicle, and asked § 87(2)(b) for his license. § 87(2)(b) looked for his license in his wallet, and said that he could not find it. § 87(2)(b) told PO Barish that he may have forgotten his wallet upstairs in his apartment, which was across the street. § 87(2)(b) asked PO Barish if he could go upstairs and get it, and PO Barish responded that he could not. § 87(2)(b) showed PO Barish a photograph of his license, and PO Barish accepted it from him. § 87(2)(b) then heard § 87(2)(b) say, “Why would you open my door? I’m being cooperative.” PO Barish then told § 87(2)(b) to step out of his vehicle, and § 87(2)(b) asked why. PO Barish told § 87(2)(b) again to step out of his vehicle, and § 87(2)(b) again asked why. PO Barish told § 87(2)(b) to step out of his vehicle again, and § 87(2)(b) and PO Barish began arguing. § 87(2)(b) picked up his phone and called 911. PO Barish then reached through the window of § 87(2)(b)’s vehicle, and unbuckled § 87(2)(b)’s seatbelt, and “yanked” § 87(2)(b) out of the vehicle. PO Barish grabbed § 87(2)(b) by the collar of his sweatshirt, first with one hand, and then with two. § 87(2)(b) did not know if PO Barish made contact with § 87(2)(b)’s skin at this time, or if he only grabbed his clothing. PO Barish tried to pull § 87(2)(b) out of the vehicle in this position. § 87(2)(b) did not know if PO Barish

doing this restricted § 87(2)(b)'s breathing. § 87(2)(b) began revving the vehicle engine, and blowing his car horn. § 87(2)(b) thought that § 87(2)(b) did this because he was scared that PO Barish was going to hurt him. PO Barish continued pulling § 87(2)(b) out of his vehicle in this position. Once PO Barish pulled § 87(2)(b) out of the vehicle, § 87(2)(b) got out of the vehicle. By the time § 87(2)(b) was out of the vehicle, § 87(2)(b) and PO Barish were on the other side of the street.

§ 87(2)(b) stated that PO Barish and PO Contreras “body slammed” § 87(2)(b) into the rear of a vehicle parked on the other side of the street. § 87(2)(b)'s stomach and chest made contact with the vehicle. § 87(2)(b) attempted to stand up, and PO Barish and PO Contreras pushed him back down into the vehicle. PO Barish stood behind § 87(2)(b) and wrapped his arms around him, so that § 87(2)(b)'s arms were pinned to his sides and he could not move. PO Barish held § 87(2)(b) like this until he was still. PO Barish and PO Contreras then handcuffed § 87(2)(b). § 87(2)(b) did not allege that PO Barish choked § 87(2)(b) at this point of the incident.

§ 87(2)(b) (**04 Board Review**) stated that she was asleep inside of § 87(2)(b) when she was awoken by § 87(2)(b) speaking to someone at the front door. § 87(2)(b) heard the word “cop” mentioned in the conversation, and went to look out of a window in her apartment. She saw § 87(2)(b) double parked across the street. PO Barish was standing at the front driver’s window speaking to § 87(2)(b). § 87(2)(b) called down to PO Barish and asked him what was wrong, and PO Barish responded that he needed to see § 87(2)(b)'s identification. § 87(2)(b) looked around inside of § 87(2)(b) for § 87(2)(b)'s identification, but could not find it, so she decided to go downstairs. § 87(2)(b) approached PO Barish and told him that she did not have § 87(2)(b)'s identification. § 87(2)(b) was on the phone with 911. PO Barish told § 87(2)(b) that he was under arrest. § 87(2)(b) panicked and became “frantic,” because she did not want § 87(2)(b) to be arrested. PO Barish reached through the window of § 87(2)(b)'s front driver’s window and tried to pull § 87(2)(b) out. This caused § 87(2)(b) to panic even further, because § 87(2)(b) had recently sustained a shoulder injury, and she did not want him to get injured further. § 87(2)(b) began revving the engine to his car, which caused § 87(2)(b) to panic even further, because she did not want § 87(2)(b) to get in a car accident. PO Contreras approached § 87(2)(b) and stood between her and PO Barish. PO Contreras repeatedly instructed her to step away from § 87(2)(b)'s vehicle. § 87(2)(b) ignored PO Contreras, and tried to push by him, to get to PO Barish. PO Barish began pulling § 87(2)(b) out of his vehicle. PO Barish was pulling on one of § 87(2)(b)'s arms. A crowd gathered around PO Barish and § 87(2)(b) of PO Contreras, § 87(2)(b) and § 87(2)(b). § 87(2)(b) tried to run around the crowd, to approach PO Barish and § 87(2)(b) from the opposite side of where she was. By the time § 87(2)(b) got to the other side of the crowd, PO Barish had pulled § 87(2)(b) out of his vehicle, and PO Barish and PO Contreras were pulling § 87(2)(b) across the street. § 87(2)(b) did not see where PO Barish made contact with § 87(2)(b) when pulling him out of his vehicle, but thought that PO Barish choked § 87(2)(b) because at some point during the incident, she heard § 87(2)(b) yelling that PO Barish choked him.

§ 87(2)(b) stated that once § 87(2)(b) was out of his vehicle, she crossed the street along with § 87(2)(b) PO Contreras, and PO Barish. During this time, § 87(2)(b) was trying to pull the officers off of § 87(2)(b). § 87(2)(b) did not see specifically where PO Barish made contact with § 87(2)(b) because while they were crossing the street, § 87(2)(b) was distracted and trying to pull PO Barish away from § 87(2)(b) and once they crossed the street, PO Barish pushed her and § 87(2)(b) against the same parked vehicle, and she could not see what was going on, because she was looking down. § 87(2)(b) did not allege that PO Barish choked § 87(2)(b) at this point of the incident.

§ 87(2)(b) (02 Board Review) stated that she was alerted by her brother, § 87(2)(b) that § 87(2)(b) was being “harassed” in front of their home, located at § 87(2)(b). § 87(2)(b) looked out the fire escape window from § 87(2)(b) and saw PO Barish trying to “force” his way into § 87(2)(b)’s vehicle through his driver’s door. § 87(2)(b) heard § 87(2)(b) rev his engine, and § 87(2)(b) ran downstairs and to § 87(2)(b)’s vehicle. § 87(2)(b) stood on the passenger side of § 87(2)(b)’s vehicle. PO Barish was trying to open the driver’s door to § 87(2)(b)’s vehicle, while § 87(2)(b) was seated in the driver’s seat. § 87(2)(b) walked around § 87(2)(b)’s vehicle to the driver’s side. When § 87(2)(b) looked up, she saw that § 87(2)(b) was out of his vehicle. § 87(2)(b) did not see how § 87(2)(b) was removed from his vehicle. § 87(2)(b) surmised that there was not a struggle in removing § 87(2)(b) from his vehicle because it happened quickly. Once § 87(2)(b) was out of his vehicle, a struggle began. § 87(2)(b) did not know specifically what § 87(2)(b) was doing with his body, but thought that he was trying to “break loose” from PO Barish. § 87(2)(b) did not see PO Barish make contact with § 87(2)(b)’s neck or throat at this point.

§ 87(2)(b) stated that she was standing at the rear passenger side of § 87(2)(b)’s vehicle after he was pulled from his vehicle. § 87(2)(b) PO Barish, and PO Contreras moved to the other side of the street, but § 87(2)(b) did not see what specifically happened as they crossed the street. § 87(2)(b) ran up to PO1 to try to get him to let go of § 87(2)(b). PO Barish put § 87(2)(b) into a headlock position while standing behind § 87(2)(b) and “choked” him while in this headlock position. § 87(2)(b) screamed that PO Barish was choking § 87(2)(b).

PO Barish (10 Board Review) stated that he was on patrol with PO Contreras, as part of his assignment to the auto larceny team. PO Barish was the operator of the vehicle, and PO Contreras was seated next to him, in the front passenger seat. PO Barish observed § 87(2)(b) double parked in front of § 87(2)(b) and decided to stop him. Because Woodruff Avenue was one way against PO Barish, PO Barish backed up down the block, until his vehicle was in front of § 87(2)(b). PO Barish exited his vehicle, and approached the driver’s side of § 87(2)(b)’s vehicle. PO Contreras approached the passenger side of § 87(2)(b)’s vehicle, and asked him for his license, registration, and proof of insurance. § 87(2)(b) initially stated that he would not provide his license. After asking § 87(2)(b) for his license for approximately ten minutes, § 87(2)(b) eventually stated that he did not have his license on him. § 87(2)(b)’s mother and sister, § 87(2)(b) and § 87(2)(b) had come downstairs by this point. PO Barish asked § 87(2)(b) to go upstairs and get § 87(2)(b)’s license. At this point, it was PO

Barish's intention to establish that § 87(2)(b) was lawfully in the vehicle, and then to either issue him a summons for double parking and idling, or simply warn and admonish him. § 87(2)(b) began revving his engine and honking his horn, causing alarm to PO Barish. PO Barish also observed that a large crowd of civilians had begun to gather, and observed that a second civilian vehicle had pulled up behind § 87(2)(b) and was stopped and unable to pass because § 87(2)(b) was double parked. In addition, PO Barish had been requesting § 87(2)(b) s for approximately ten minutes at this point. PO Barish told § 87(2)(b) that he was under arrest, and told him to step out of his vehicle. PO Contreras walked over to join PO Barish on the driver's side of the vehicle at this point, and stood behind PO Barish. § 87(2)(b) repeatedly verbally refused to step out of the vehicle. PO Barish asked § 87(2)(b) to step out of his vehicle more than five times. PO Barish did not recall if § 87(2)(b) started to open his door and then shut it, or if PO Barish tried to open the door, but PO Barish and § 87(2)(b) began struggling with § 87(2)(b) s driver's door, pulling it back and forth, with PO Barish trying to pull it open, and § 87(2)(b) trying to pull it shut. During this struggle, § 87(2)(b) pulled the door shut on PO Barish's right hand and thumb. PO Barish was in considerable pain, and his thumb began bleeding heavily, and he later went to the hospital as a result of this injury. PO Barish was eventually able to pull § 87(2)(b) s vehicle door open, and then reached inside the vehicle, and pulled § 87(2)(b) out by his shoulders. Once § 87(2)(b) was out of the vehicle, he bladed his shoulders and tried to back away from PO Barish, and tried to sit back down in the vehicle. PO Barish maintained his grip on § 87(2)(b) s shoulders at this point. PO Barish was shown video labeled Video 1 and stated that the video showed what he had previously described as reaching in to § 87(2)(b) s vehicle, and pulling him out by his shoulders. PO Barish stated that when he pulled § 87(2)(b) out of his vehicle, he put him into a "bear hug," by pulling § 87(2)(b) to him, so that his arms could not move. PO Barish stated that he did not restrict § 87(2)(b) s breathing, and did not choke § 87(2)(b). § 87(2)(b) was yelling throughout the entire incident, and never had difficulty breathing.

PO Barish stated that once § 87(2)(b) was out of his vehicle, he tried to gain control of his arms, to handcuff § 87(2)(b). § 87(2)(b) s mother was on PO Barish's back, trying to push him away from § 87(2)(b) and other civilians were also physically intervening. § 87(2)(b) flailed his arms, and tried to push PO Barish away, to create distance between them. PO Barish was also concerned because § 87(2)(b) was right next to his gun, and he did not want her to grab it. Because of § 87(2)(b) s resistance, and the involvement of the civilians at the location, PO Barish and § 87(2)(b) moved from § 87(2)(b) s vehicle to a vehicle parked across the street. § 87(2)(b) continued trying to get away from PO Barish and move his arms, so PO Barish placed § 87(2)(b) in a "bear hug." PO Barish was standing behind § 87(2)(b) and he wrapped one arm around § 87(2)(b) s shoulders, so that his arm was pressed against § 87(2)(b) s chest, and § 87(2)(b) s arm could not move. PO Barish was also trying to hold § 87(2)(b) against the vehicle, because she continued to try and push PO Barish. PO Barish did not put § 87(2)(b) into a chokehold, and did not make physical contact with his neck or throat. PO Barish was shown video labeled "Video 1." At the 1:26 mark, PO Barish stated that the beginning of his "bear hug" against § 87(2)(b) was pictured, and that he wrapped his arm from the front around § 87(2)(b) so that his right arm was pinning § 87(2)(b) s chest against him. At the 1:35 mark, PO Barish stated that he used the same bear hug move against § 87(2)(b) only from the rear, and that he was pinning § 87(2)(b) s arm and shoulder to his side by putting his arm over § 87(2)(b) s shoulder and

arm. PO Barish stated that his hand was in the area of § 87(2)(b)'s clavicle or collarbones, and not his neck or throat. PO Barish emphasized that § 87(2)(b)'s mother physically intervened in § 87(2)(b)'s arrest from the time that § 87(2)(b) was in his vehicle, through when § 87(2)(b) was handcuffed. After reviewing the video, PO Barish did not recall any new details about the incident.

PO Contreras (**09 Board Review**) did not see how PO Barish removed § 87(2)(b) from the vehicle, and did not see PO Barish choke § 87(2)(b) or restrict his breathing. PO Contreras was facing away from PO Barish when § 87(2)(b) was removed from his vehicle, and was trying to keep the civilians at the location away from PO Barish and § 87(2)(b). PO Contreras stated that after § 87(2)(b) was out of his vehicle, § 87(2)(b) began flailing his arms and trying to push PO Barish away from him. Multiple civilians at the location rushed towards PO Barish and § 87(2)(b) and PO Contreras reached for § 87(2)(b) to assist PO Barish in bringing § 87(2)(b) into custody. The group of PO Contreras, PO Barish, § 87(2)(b), and the other civilians moved across the street. PO Barish pushed § 87(2)(b) against the hood of a parked vehicle, and PO Contreras assisted PO Barish in pulling § 87(2)(b)'s arms behind his back. PO Contreras did not make any physical contact with § 87(2)(b) at this point besides pulling his arms behind his back. PO Barish did not use a chokehold against § 87(2)(b) and did not otherwise make physical contact with § 87(2)(b)'s neck or throat.

§ 87(2)(b)'s medical records (**15 Board Review**) show that he sought treatment on § 87(2)(b). § 87(2)(b) § 87(2)(b) complained of shoulder pain from being pulled from his vehicle, and was prescribed naproxen. § 87(2)(b)'s medical records show that he had a preexisting shoulder injury from a motor vehicle accident. § 87(2)(b) did not complain of neck pain or injury.

Video (**28 Board Review**), labeled below as Video 1, shows that PO Barish's police vehicle approach § 87(2)(b)'s vehicle at the :10 mark. PO Barish and § 87(2)(b) speak between vehicles until :39, at which point PO Barish exits his vehicle, and stands at § 87(2)(b)'s driver's window. PO Barish and § 87(2)(b) speak for approximately six minutes, until 6:49. At 6:49, § 87(2)(b) approaches PO Barish, and the conversation continues. At 8:34, PO Contreras walks around § 87(2)(b)'s vehicle, and stands behind PO Barish. PO Barish begins to motion for § 87(2)(b) to move away, and the conversation continues. At 8:56, PO Barish reaches for § 87(2)(b)'s door. § 87(2)(b) rushes towards PO Barish, making physical contact with him, and tries to wedge herself between PO Barish and § 87(2)(b)'s vehicle. At 9:02, PO Contreras approaches § 87(2)(b) and moves her away from PO Barish. At 9:04, § 87(2)(b) enters the picture, and stands behind § 87(2)(b). At 9:35, PO Barish reaches inside of § 87(2)(b)'s vehicle. § 87(2)(b) is pictured walking up along the passenger side of § 87(2)(b)'s vehicle. At 9:49, PO Barish pulls § 87(2)(b) out of his vehicle. It is not clear where PO Barish is making contact with § 87(2)(b). Between 9:50 and 9:53, PO Barish and § 87(2)(b) physically interact in the area immediately outside of § 87(2)(b)'s vehicle. It is not clear where PO Barish makes contact with § 87(2)(b).



Video 1.mp4

Cell phone video (**31 Board Review**) below, labeled as Video 4, was captured by § 87(2)(b) as she ran from inside § 87(2)(b) to where § 87(2)(b) was double parked. The video is largely unintelligible because the screen is pointed towards the floor, and moves rapidly as § 87(2)(b) ran. § 87(2)(b)'s engine is heard revving, and the horn continuously blows. At :19, PO Barish is shown reaching inside of § 87(2)(b)'s vehicle. At :33, PO Barish pulls § 87(2)(b) out of his vehicle. It is not clear where PO Barish makes physical contact with § 87(2)(b). At the 1:31 mark, it is not clear where PO Barish is making contact with § 87(2)(b). From 1:35 to 1:42, PO Barish and § 87(2)(b) are in a similar position. It is not clear where PO Barish is making physical contact with § 87(2)(b).



Video 4.mp4

A screenshot (**13 Board Review**), captured from the :35 second mark of Video 4, shows PO Barish making physical contact with § 87(2)(b). It is not clear where PO Barish's hands are.

Cell phone video (**30 Board Review**) below, labeled as Video 3, was captured from inside of § 87(2)(b)'s vehicle. § 87(2)(b) revs his engine and the horn continuously blows. At :03, § 87(2)(b) is heard yelling, "Why is he under arrest?" At :09 through :11, § 87(2)(b) yells, "Stop, stop." At :10, § 87(2)(b)'s vehicle door opens. At :12, an unknown person in the car says, § 87(2)(b) relax." At :13, an unknown person says, "Step out of the car, step out of the car." § 87(2)(b) responds, "Alright, don't pull me, don't pull me, let me do it voluntarily." It appears as if § 87(2)(b) begins to address the 911 operator, and he says, "Miss, miss, miss, I need you to get another unit down here please. Hold on, I'm on the phone with 911." At :26, § 87(2)(b) says, "He's trying to take my phone." At :27, PO Barish is pictured holding § 87(2)(b)'s left wrist. At :28, § 87(2)(b) is pulled from his vehicle. § 87(2)(b) is seen trying to push in between § 87(2)(b) and the officers. It is not shown where PO Barish makes contact with § 87(2)(b) once he exits the vehicle.



Video 3.mp4

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (D) Force: In front of § 87(2)(b) in Brooklyn, Police Officer Jason Barish pushed § 87(2)(b)

Allegation (E) Force: In front of § 87(2)(b) in Brooklyn, Police Officer Alvaro Contreras pushed § 87(2)(b)

§ 87(2)(b) (01 Board Review) stated that he was not doing anything to physically resist PO Barish and PO Contreras, and that they dragged him across the street and “body slammed” him onto a parked vehicle.

§ 87(2)(b) (02 Board Review), § 87(2)(b) (04 Board Review), § 87(2)(b) (07 Board Review), and § 87(2)(b) (08 Board Review) all provided consistent statements about this part of the incident, and stated that PO Barish and PO Contreras pushed § 87(2)(b) against a parked vehicle while trying to handcuff him.

PO Barish (10 Board Review) and PO Contreras (09 Board Review) provided consistent statements about this part of the incident. After trying to obtain § 87(2)(b) s license for approximately ten minutes, and being given ample time to provide the materials, and giving multiple family members the opportunity to provide § 87(2)(b) s identification, PO Barish decided that § 87(2)(b) was under arrest, and § 87(2)(b) was removed from his vehicle. § 87(2)(b) was resisting arrest by moving his shoulders and arms, and trying to push PO Barish off, and trying to walk away from the officers. Multiple members of § 87(2)(b) s family were physically intervening in § 87(2)(b) s arrest, and a large group of other civilians were gathering in the area. PO Barish and PO Contreras placed § 87(2)(b) against a parked vehicle, so that his stomach and chest made contact with the vehicle, and § 87(2)(b) was quickly handcuffed.

The TRI (23 Board Review) prepared by PO Barish notes that PO Barish was injured, that the officers used force against § 87(2)(b) and that § 87(2)(b) used force against the officers. The TRI states that § 87(2)(b) slammed his car door on PO Barish’s thumb, causing bleeding, and pain and swelling. The TRI notes that force was used in defense of self and other MOS, against a fleeing suspect, and to overcome resistance or aggression.

The AIDED (24 Board Review) prepared by PO Barish states that he received medical attention at Maimonides Medical Center, and that he was injured after § 87(2)(b) closed his vehicle door on PO Barish’s hand.

The Criminal Court Complaint (22 Board Review) states that § 87(2)(b) was observed double parked and idling while seated in the front seat of his vehicle, and refused to provide identification for approximately ten minutes. § 87(2)(b) then revved the engine of his vehicle, causing a crowd to form. § 87(2)(b) closed the door of the vehicle on PO Barish’s hand. § 87(2)(b) resisted arrest by flailing his arms and pushing away from the officers.

According to Patrol Guide Procedure 221-02, an officer may use only the reasonable force necessary to gain control or custody of a subject (18 Board Review).

§ 87(2)(g)
§ 87(2)(g)
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§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Force: In front of § 87(2)(b) in Brooklyn, officers used physical force against § 87(2)(b)

Allegation (G) Discourtesy: In front of § 87(2)(b) in Brooklyn, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) **(02 Board Review)** stated that after § 87(2)(b) had been handcuffed and placed into a police vehicle by PO Barish and PO Contreras, she approached PO Barish and asked him why § 87(2)(b) had been arrested, and PO Barish did not give her a response.

Approximately 25 other police officers began arriving at the location, and approximately 50 of § 87(2)(b)'s neighbors had come outside and were watching what was happening. An officer told § 87(2)(b) that he was going to take § 87(2)(b)'s vehicle to the stationhouse, and § 87(2)(b) "went off," and got "tight," and cursed at the officer.

§ 87(2)(b) did not know who this officer was, and did not know what they looked like. An officer tried to take § 87(2)(b)'s cell phone out of her hand, which she had used to record earlier. This officer was a female officer who may have had blond hair. § 87(2)(b) pulled her hand away. § 87(2)(b) noticed that there were approximately twelve officers behind her, and the officers "slammed" her against § 87(2)(b)'s parked vehicle. One of the officers said, "Put your fucking hands behind your back." § 87(2)(b) did not know which officer made that statement, because the statement was made while her back was turned.

PO Turk **(11 Board Review)** stated that a 10-13, officers in need of assistance, was called over the city wide radio frequency. PO Turk and her partner, PO Barnes, responded to the location. When PO Turk arrived at the location, she had to park a block away, because there were already so many police vehicles present. Because it was a change of tours, almost all of the officers from the 4:00 PM to midnight tour and the midnight tour responded to the location. PO Turk and PO Barnes were separated, and PO Turk did not see PO Barnes again until they left the location. PO Turk observed a group of four officers arresting § 87(2)(b). PO Turk did not know what § 87(2)(b) had been doing prior to getting arrested, and PO Turk's first observation of § 87(2)(b) was when the officers were attempting to apprehend her. PO Turk did not know who the officers were, or if they came from her tour or a different tour. PO Turk stated that two of the officers were female, and two were male, and all were wearing uniform. PO Turk observed that the officers were having difficulty in arresting § 87(2)(b) because she was trying to run from the officers, and was pulling them along with her. § 87(2)(b) ran to a car, and tried to push off the car, to keep the officers from gaining control of her arms. PO Turk had been observing the officers and § 87(2)(b) for approximately thirty seconds, when one of the officers requested handcuffs. None of the officers involved in arresting § 87(2)(b) got their handcuffs out, so PO Turk took out her handcuffs, and placed them on to § 87(2)(b). PO Turk did not make any other physical contact with § 87(2)(b). PO Turk did not tell § 87(2)(b) to put her "fucking" hands behind her back, nor did she hear any other officer do so. PO Turk was shown video labeled Video 1, and did not recognize any of the officers pictured. Viewing the video did not

refresh PO Turk's memory as to anything else that occurred during the incident. PO Turk was shown the roll call from both tours, and after reviewing the roll call, did not recall any other officers present at the location.

§ 87(2)(b)'s medical records (**14 Board Review**) show that she sustained a shoulder separation.

Video (**32 Board Review**), labeled below as Video 5, shows § 87(2)(b) at :00, in the bottom right of the picture, in a white t-shirt and a scarf on her head. At :40, a group of officers approach § 87(2)(b) and try to take her into custody. § 87(2)(b) is surrounded by officers, and additional officers continue to arrive throughout the interaction. At :55, § 87(2)(b) is against a vehicle, with her back towards the vehicle. At 1:02, § 87(2)(b) is placed against the vehicle. The faces of the officers are not clear.



Video 5.mp4

Six female police officers were assigned to Tour 3 (**26 Board Review**): PO Manning, PO Dalmonte, PO Taylor, PO Prescott, PO Turk, PO Cascalenda. Eight female officers were assigned to Tour 1 (**27 Board Review**): PO Tracy, PO Mejia, PO Felix, PO Rodriguez, PO Cunningham, PO Clinton, PO Lewis, PO Lucas.

The ICAD (**25 Board Review**) in regards to this incident shows that 70ST1-3, 70ST2-3, AC Sup, AC, Auto Larceny, Sector D, OES6A, responded to this incident. Because this incident occurred before a tour of officers had completed roll call, many officers who responded are not reflected in the ICAD. In addition, Sgt. Ehlers (**12 Board Review**) stated that he went over the radio to tell responding officers to clear the airwaves, indicating that additional officers may have arrived but not said so over the radio. Sgt. Ehlers can be heard in the radio communications (**06 Board Review**) making this statement at 2:02.

§ 87(2)(g)

Allegation (H): Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Police Officer Alvaro Contreras refused to provide medical attention to § 87(2)(b)

Allegation (I): Force: In front of § 87(2)(b) in Brooklyn, Police Officer Alvaro Contreras tightly handcuffed § 87(2)(b)

§ 87(2)(b) (**01 Board Review**) stated that PO Barish and PO Contreras placed § 87(2)(b) into an unmarked police vehicle. PO Barish did not enter the vehicle, and PO Contreras sat next to § 87(2)(b) in the rear seat. § 87(2)(b) observed an ambulance at the location, and asked PO Contreras if he could see the “ambulance people,” and PO Contreras responded, “Nah, you can do that at the courthouse.” § 87(2)(b) then asked PO Contreras if he could loosen the handcuffs, and PO Contreras responded by tightening § 87(2)(b)'s handcuffs. § 87(2)(b) did not tell PO Contreras that he had tightened the handcuffs.

PO Contreras (**09 Board Review**) stated that he waited outside of the vehicle with the rear door open, while § 87(2)(b) was inside. PO Contreras was trying to figure out who would transport § 87(2)(b) with him, since PO Barish could not go, due to the injury to his hand. § 87(2)(b) did not ask PO Contreras for medical attention. § 87(2)(b) did not complain of injury, and did not have any visible injury. § 87(2)(b) did not ask PO Contreras to loosen his handcuffs, and PO Contreras did not tighten § 87(2)(b)'s handcuffs.

§ 87(2)(g)

Allegation (J): Force: En route to the 70th Precinct stationhouse, an officer pointed her gun at § 87(2)(b)

§ 87(2)(b) (**01 Board Review**) stated PO Contreras drove the vehicle to the 70th Precinct stationhouse, and a female officer, PO1, rode in the backseat with him. PO1 removed her firearm, and pointed it at § 87(2)(b)'s head. PO1 kept her gun pointed at § 87(2)(b)'s head for the entirety of the ride to the 70th Precinct stationhouse. § 87(2)(b) tried to aggravate PO1 into shooting him and said, "Bitch you got the gun, just shoot me. You might as well... I promise you, if I ever get my hands on anything that can harm you, I will harm you... I want her to accidentally pull the trigger... Bitch shoot me, please." § 87(2)(b) tried to aggravate PO1 into shooting him for the entirety of the ride.

PO Contreras (**09 Board Review**) stated that he drove the vehicle to transport § 87(2)(b) to the 70th Precinct stationhouse. PO Contreras did not know who the officer was who transported § 87(2)(b) with him. There was a large number of officers at the scene, and PO Contreras did not know many of them, and a random officer was assigned to ride with him, because PO Barish could not. PO Contreras thought that the officer was a female anti-crime officer, because that is what he noted in his memo book. PO Contreras thought that the officer rode in the front seat next to him. PO Contreras did not point his firearm at § 87(2)(b) nor did any other officer. PO Contreras was shown video labeled "Video 6." After viewing the video, PO Contreras stated that the female officer entered the rear seat with § 87(2)(b) and stated that he thought he must have instructed her to do so, because his police vehicle did not have a cage. PO Contreras did not know who the officer was after viewing the video.

PO Barish (**10 Board Review**) did not know which officer transported § 87(2)(b) along with PO Contreras.

Sgt. Ehlers (**12 Board Review**) did not know which officers transported § 87(2)(b)

Video (**33 Board Review**), labeled below as Video 6, shows a female officer entering the unmarked police vehicle containing § 87(2)(b) at 6:40. The face of this officer is not visible.

Six female police officers were assigned to Tour 3 (**26 Board Review**): PO Manning, PO Dalmonite, PO Taylor, PO Prescott, PO Turk, PO Cascalenda. Eight female officers were assigned

to Tour 1 (**27 Board Review**): PO Tracy, PO Mejia, PO Felix, PO Rodriguez, PO Cunningham, PO Clinton, PO Lewis, PO Lucas.

All of the officers assigned to anti-crime for the two responding tours were male officers (**26 Board Review, 27 Board Review**): PO Michael Simmonds, PO James Grant, PO Brian Garrette, PO Brian McCarthy, PO Edrington Maynard, PO Eric Gutierrez, and PO Daniel Smith.

The ICAD (**25 Board Review**) in regards to this incident shows that 70ST1-3, 70ST2-3, AC Sup, AC, Auto Larceny, Sector D, OES6A, responded to this incident. Because this incident occurred before a tour of officers had completed roll call, many officers who responded are not reflected in the ICAD. In addition, Sgt. Ehlers (**12 Board Review**) stated that he went over the radio (**06 Board Review**) to tell responding officers to clear the airwaves, indicating that additional officers may have responded to the location without announcing it over the radio.

§ 87(2)(g)

Allegation (K): Force: En route to the 70th Precinct Stationhouse, Police Officer Alvaro Contreras drove recklessly while § 87(2)(b) was an unseatbelted passenger in the vehicle.

§ 87(2)(b) (**01 Board Review**) stated that while PO1 held a gun to his head, PO Contreras drove recklessly. § 87(2)(b) was rear cuffed, and not wearing a seatbelt, so PO Contreras' driving made § 87(2)(b) fear for his safety, and hit his head against the window of the vehicle.

PO Contreras (**09 Board Review**) stated that he abided by all VTL rules and laws, and did not drive recklessly. PO Contreras abided by the speed limit while he drove. PO Contreras stated that he did not recall specifically buckling § 87(2)(b) in, because the incident happened so long ago, but that he would have made sure § 87(2)(b) was buckled in. PO Contreras did not recall § 87(2)(b) complaining about his driving.

§ 87(2)(g)

Allegation (L): Abuse of Authority: At the 70th Precinct stationhouse, Police Officer Alvaro Contreras strip-searched § 87(2)(b)

Allegation (M): At the 70th Precinct stationhouse, Police Officer Alvaro Contreras refused to provide medical attention to § 87(2)(b)

§ 87(2)(b) (**01 Board Review**) stated that when he arrived to the 70th Precinct stationhouse, PO Contreras walked to the rear door to let him out of the vehicle. PO Contreras asked § 87(2)(b) if he was on his "good behavior," and § 87(2)(b) responded, "Yo, you can suck my whole dick." PO Contreras asked § 87(2)(b) if he was threatening him or disrespecting him, because § 87(2)(b) should be "begging" for him to let him go, and § 87(2)(b) responded, "I don't give a shit. Fuck you." § 87(2)(b) then asked PO Contreras for medical attention, and PO Contreras did not respond. PO Contreras instead began patting § 87(2)(b) down. In doing

this, PO Contreras pulled § 87(2)(b)'s pants down, so that his boxers were exposed. PO Contreras said, "If I pick your pants up, will you talk?" § 87(2)(b) did not respond. PO Contreras walked § 87(2)(b) inside of the stationhouse.

PO Contreras (**09 Board Review**) stated that he walked § 87(2)(b) into the 70th Precinct stationhouse without incident. § 87(2)(b) did not ask him for medical attention at that time, and PO Contreras did not pull § 87(2)(b)'s pants down so that his boxers were exposed. PO Contreras searched § 87(2)(b) in front of the desk sergeant, as is protocol when someone comes into the stationhouse.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b) is listed as a witness in CCRB case 201600542 (**19 Board Review**).
- PO Contreras has been a member of service for eleven years, and has eighteen previous allegations, with no substantiations. PO Contreras has two previous force allegations.
- PO Barish has been a member of service for seven years, and has eleven previous allegations. In CCRB case 201504513, an allegation of improperly issuing a summons was substantiated. The CCRB recommended Command Discipline A, and the NYPD issued Command Discipline A. PO Barish has three previous force allegations.

Mediation, Civil and Criminal Histories

- This case was returned to investigations from mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (**17 Board Review**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (**16 Board Review**).

Squad No.: 3

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____

| | Signature | Print Title & Name | Date |
|-----------|-----------|--------------------|-------|
| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |